US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 15 December 2005
Comment Deadline:13 January 2006
Corps Action ID #: 200430773

All interested parties are herby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Charlotte-Mecklenburg Board of Education
Attn: Anthony Ansaldo
3301 Stafford Drive
Charlotte, NC 28208

Agent (if applicable): Ralph Whitehead & Associates, Inc.
Attn: Michael Iagnocco
1000 W. Morehead Street, Suite 200
Charlotte, NC 28208

Authority

The Corps will evaluate this application and a decide whether to issue, conditionally issue, or deny the proposed work pursuant to Section 404 of the Clean Water Act.

Location

The property is located on the east side of Tom Short Road, south of Bryant Farms Road, in Charlotte, Mecklenburg County, North Carolina (35.0443°N, -80.7995°W) and is approximately 51 acres in size. The site contains wetlands as determined by the USACE 1987 Wetland Delineation Manual and is adjacent to stream channels with indicators of ordinary high water marks. The stream channels on the property are known as Flat Branch and its unnamed tributaries. These stream channels flow into the Catawba River, which ultimately flows into the Atlantic Ocean through the Santee-Cooper River system in South Carolina. The site also contains two wetland areas that are considered isolated and therefore non-jurisdictional. These isolated wetland areas do not exhibit any surface hydrologic connection to the remaining jurisdictional waters of the U.S. on or off the property.

Existing Site Conditions

The property, known as Flat Branch Park, is currently owned by Mecklenburg County, and operated by Mecklenburg County Parks and Recreation (MCPR). The property is 51 acres in size and is primarily open pasture with patches of woodlands scattered across the site. Jurisdictional waters of the U.S., including wetlands, were delineated on the proposed elementary school site by Ralph Whitehead & Associates (RWA) in March 2004. The delineated boundaries of jurisdictional wetlands and waters were subsequently field-verified on April 2, 2004, by Ms. Amanda Jones of the Wilmington District of the U.S. Army Corps of Engineers, Asheville Regulatory Field Office. Ms. Jones verified the delineated boundaries and isolated, non-jurisdictional nature of two on-site wetlands. The delineated jurisdictional waters of the U.S. and isolated wetland boundaries were subsequently surveyed by R.B. Pharr and Associates, Inc. (Figure 3).

There are eight wetland areas scattered throughout the site. Wetland A is the largest wetland area (1.80 acres) and is located immediately adjacent to Tom Short Road. Wetland A is a palustrine, forested wetland that drains to the floodplain of Flat Branch via a non-jurisdictional drainage feature. Dominant vegetation in this wetland includes green ash (*Fraxinus pennsylvanica*), willow oak (*Quercus phellos*), tulip poplar (*Liriodendron tulipifera*), sweetgum (*Liquidambar styraciflua*), Chinese privet (*Ligustrum sinense*), winged elm (*Ulmus alata*), northern red cedar (*Juniperus virginiana*), Japanese honeysuckle (*Lonicera japonica*), sedge (*Carex* sp.), Nepal microstegium (*Eulalia viminea*), and wild onion (*Allium canadense*). While Wetland A is not isolated, it is situated relatively high in the landscape, and may be considered an upland depression. Precipitation appears to be the primary hydrologic source in this wetland. Wetland B is also adjacent to Tom Short Road near the southern boundary. Wetland B is 0.18 acre in size and was determined to be isolated due to its lack of surface hydrologic connection to other jurisdictional areas on/off the site. Vegetation composition and structure is similar to that of Wetland A with precipitation as the main source of hydrology. Wetland B is also considered an upland depression due to its location in the landscape. Wetland C is 1.11 acres in size and is located along the southern property boundary. This wetland area is also considered an upland depression but exhibits indicators of ponding for long durations unlike Wetland A and B. Increased storm water inputs from an adjacent residential development may account for the difference in the duration and frequency of ponding. Wetland C is also considered isolated.

Wetland D is located adjacent to the northern property boundary and is 0.47 acre in size. Wetland D is a palustrine, forested wetland which drains to the floodplain of Flat Branch via a non-jurisdictional drainage feature along the northern property boundary. Dominant vegetation in this wetland includes green ash, willow oak, sweetgum, northern red cedar, hackberry (*Celtis laevigata*), and Nepal microstegium. As with Wetland A, this wetland is not isolated, but is situated relatively high in the landscape, and may be considered an upland depression. Precipitation appears to be the primary hydrologic source in this wetland. Wetland D also exhibits indicators of long duration ponding.

Wetlands E, F, and H are palustrine, forested wetlands located in the floodplain of Flat Branch. Dominant vegetation in these wetlands includes green ash, willow oak, sweetgum, northern red cedar, hackberry, winged elm, red maple (*Acer rubrum*), Chinese privet, Japanese honeysuckle, greenbriar (*Smilax rotundifolia*), and Nepal microstegium. A shallow groundwater table and overland flow from surrounding uplands appear to be the primary hydrologic sources in these wetlands. Saturated soils and small pockets of water were observed. Wetland E is 0.96 acre in size, Wetland F is 0.04 acre, and Wetland H is 0.01 acre.

Wetland G is located in the floodplain of Flat Branch, and contains a forested portion and an emergent portion. Dominant vegetation in the forested portion of this wetland includes green ash, hackberry, sweetgum, tulip poplar, Chinese privet, Japanese honeysuckle, and giant cane (*Arundinaria gigantea*). Dominant vegetation in the emergent portion, which is transected by a sanitary sewer easement, includes sedge, soft rush (*Juncus effusus*), bulrush (*Scirpus cyperinus*), flatsedge (*Cyperus* sp.), and various grasses. A shallow groundwater table and overbank flooding of Flat Branch appear to be the primary hydrologic sources in this wetland. Saturated soils and small pockets of water were observed. Wetland G is 0.53 acre in size.

The NRCS Soil Survey of Mecklenburg County, North Carolina maps the following soils on this site: Mecklenburg fine sandy loam(MeB), Iredell fine sandy loam (IrA), and Monacan loam (MO). None of the soils mapped by the NRCS Soil Survey are considered hydric in nature.

There are two stream channels on the property that exhibit indicators of ordinary high water marks. Stream 1 is known as Flat Branch and exhibits perennial flow. Flat Branch is approximately 20 to 25 feet wide at the top-of-bank, and has bank heights ranging from 3 to 6 feet. Substrate is comprised of bedrock, boulders, cobble, gravel, and sand. Riparian vegetation associated with this stream includes hackberry, winged elm, sweetgum, Chinese privet, northern red oak (*Q. rubra*), black willow (*Salix nigra*), tag alder (*Alnus serrulata*), giant cane, and river oats (*Chasmanthium latifolium*). Flat Branch is 1,742 lf in length and is protected by a 100-foot wide Surface Water Improvement and Management (SWIM) buffer. Stream 2 is a perennial tributary of Flat Branch. Stream 2 is approximately 8 to 10 feet wide at top-of-bank, and has bank heights of 3 to 4 feet. Substrate is comprised of coarse and medium sand. Riparian vegetation is similar to that of Flat Branch. This stream is 359 lf in length and is protected by a 35-foot wide SWIM buffer.

Applicant's Stated Purpose

The purpose of the proposed work is two-fold; to provide a new elementary school facility in southern Charlotte to meet current and future capacity needs, and to construct new athletic fields that will also accommodate increasing demands from the surrounding community. The proposed athletic fields will be shared by Charlotte-Mecklenburg Schools and Mecklenburg County Parks & Recreation through a joint-use agreement.
The Charlotte-Mecklenburg Board of Education (CMBE) has entered into a joint-use agreement with MCPR to construct a new elementary school on the Flat Branch Park property. The elementary school plan has been designed to accommodate both the CMBE plan for a new school, and allow for development of athletic fields in southern Mecklenburg County.

Project Description

The applicant is proposing to impact all of Wetland A (1.80 acres) and all of isolated Wetland B (0.18 acre) associated with the construction of building pads, parking lots, and grading for soccer fields (Figure 4). The proposed campus would include a 86,000 square foot one-story building to include: 39 classrooms, administrative space, cafeteria, gymnasium, kitchen, media center and playground. Parking areas will support 125 spaces for staff parking, 68 spaces for school bus parking, 4,380 square feet for visitor parking, and an area designated to house 16 mobile classroom units. The proposed recreational fields will include four soccer fields and two baseball fields.

Impacts associated with the proposed elementary school would result from the placement of fill material in Wetland A in order to grade the site for construction of the school and attendant features (Figure 5). Specifically, filling Wetland A is necessary to grade portions of the school building, staff and visitor parking, and multi-purpose soccer field with accommodations for mobile classroom units, and would result in permanent loss of 1.8 acres of jurisdictional wetlands. Impacts to Wetland B are necessary for grading of the proposed soccer field in the southeastern portion of the project area. The applicant is unable to avoid impacts to Wetland A and B due to their location immediately adjacent to Tom Short Road. Any movement of the proposed structures to the western end of the property would impact the designated flood fringe and wetlands located adjacent to Flat Branch. There are no impacts to stream channels associated with this project.

The project would also include improvements along Tom Short Road. Tom Short Road is currently comprised of two 12-foot lanes (one in each direction). The proposed road is to be comprised of two 12-foot lanes (one in each direction), and a 12-foot center turn lane. The road widening is necessary to provide for safe traffic storage and turning into the elementary school from the center turning lane.

The applicant is proposing to mitigate for the loss of 1.80 acres of jurisdictional wetlands and 0.18 acre of isolated, non-jurisdictional wetlands through the following measures:

- Preservation of Wetlands C, D, F, G, and H, totaling 2.15 acres through a deed restriction.
- Preservation of remaining stream channels and associated riparian buffers. The applicant is proposing to preserve a 50-wide riparian buffer on each side of the entire length of Flat Branch (1,742 linear feet) and Stream 2 (359 linear feet). The applicant is proposing to preserve the buffer (5.43 acres) via a deed restriction.
- Enhancement of Wetland E (0.96 acre) by discharging treated storm water into this wetland via level spreaders.
- Payment into the North Carolina Ecosystem Enhancement Program (NCEEP) for an additional 2 acres of wetland mitigation credit. Response from NCEEP is pending.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by January 13, 2006.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water

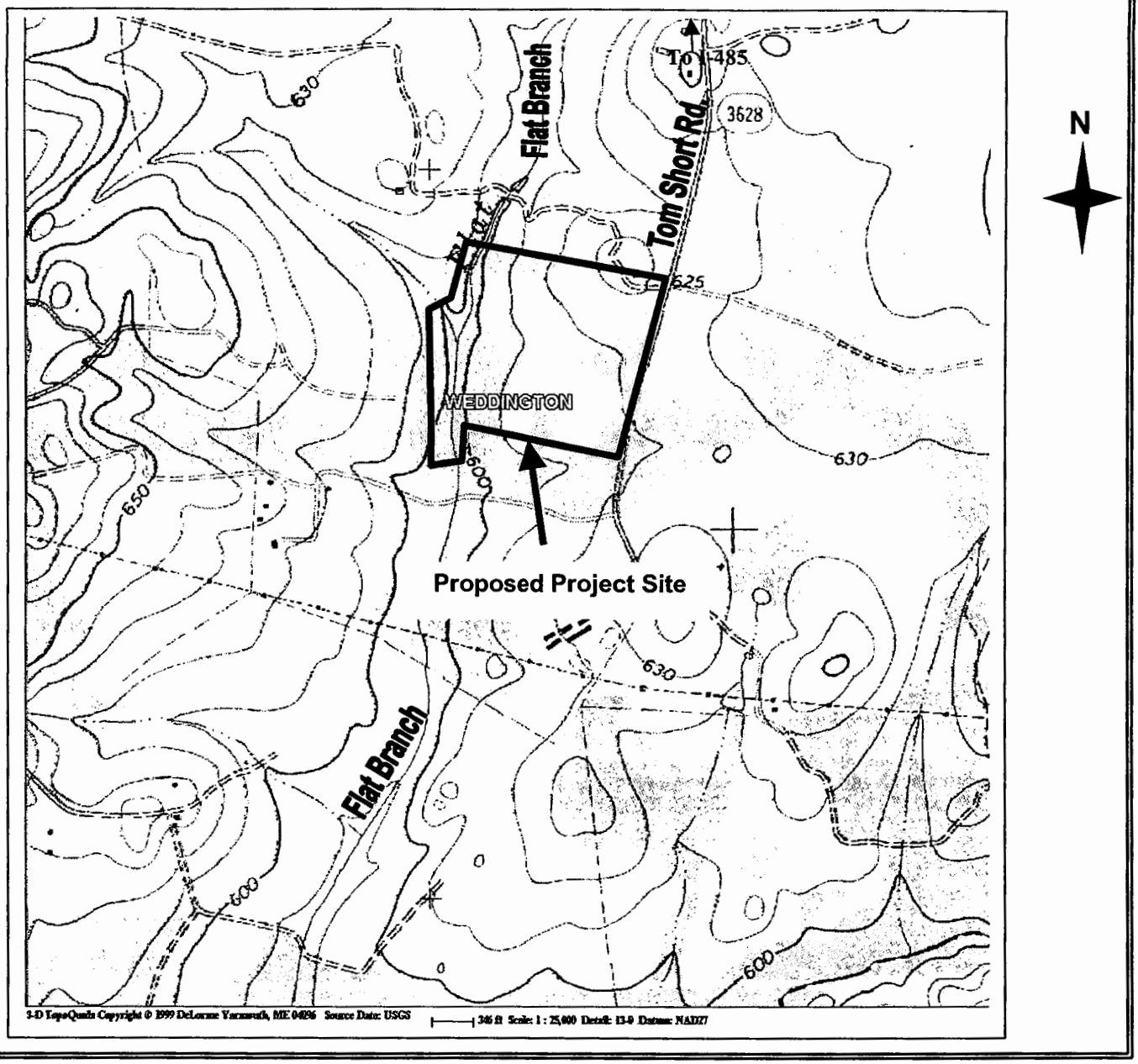
quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

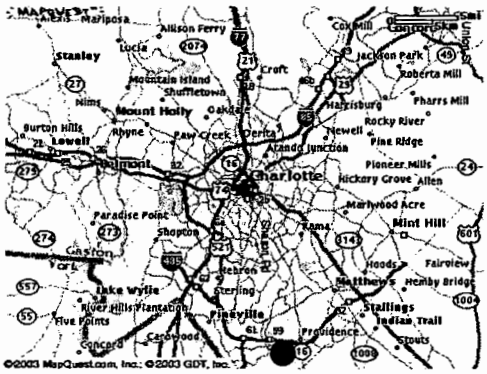
Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, January 13, 2006. Comments should be submitted to Amanda Jones, 151 Patton Avenue, Room 208, Asheville, NC 28801.





Mecklenburg County Vicinity Map

North Carolina Vicinity Map

Proposed Flat Branch Elementary School **Mecklenburg County, NC**	**RALPH WHITEHEAD ASSOCIATES, INC.**	**Site Location Map** **FIGURE 1**

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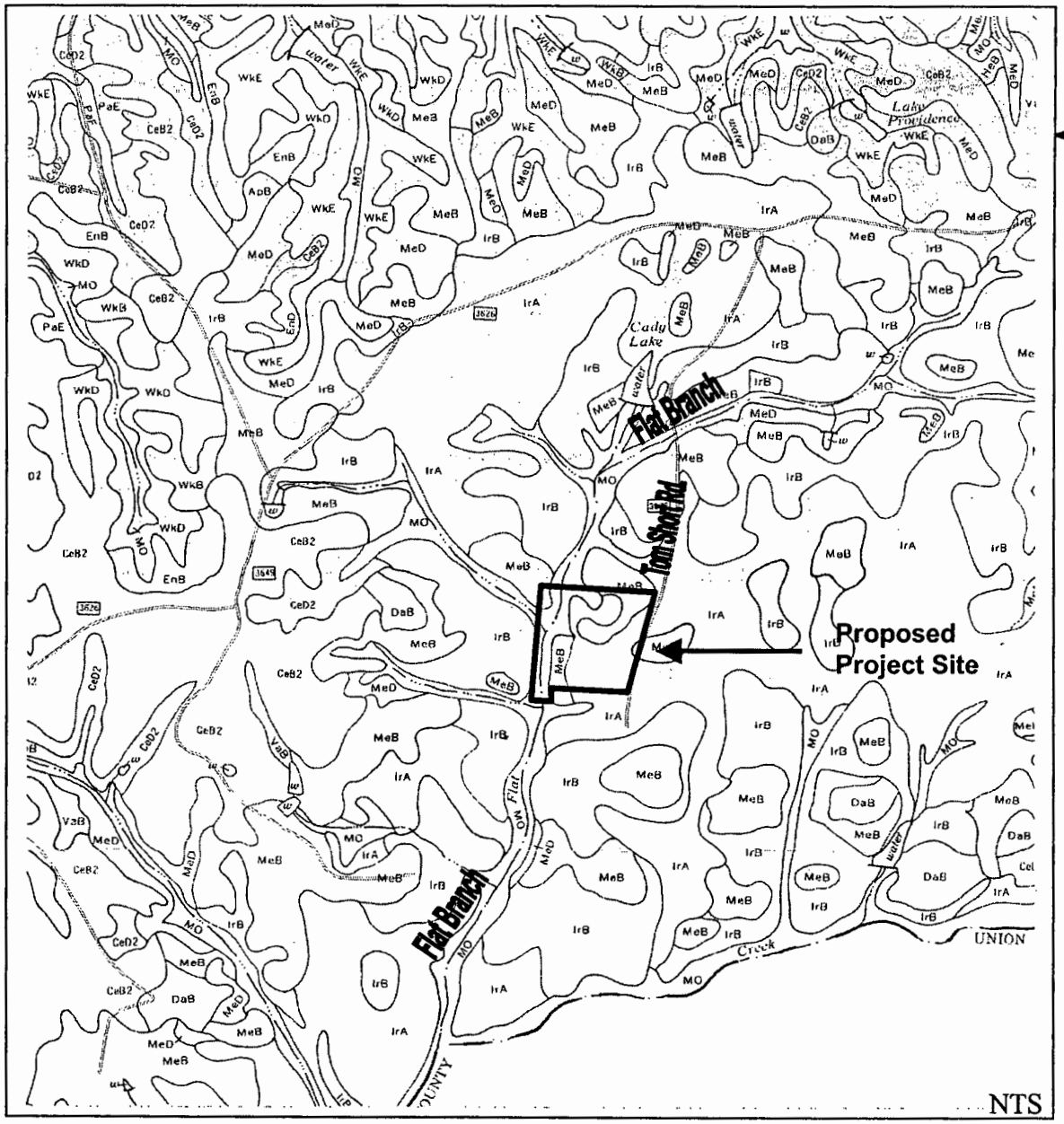
Reference: USDA Soil Survey of Mecklenburg County, Sheet 12 of 13, 1980.



On-Site Soil Map Units

IrA – Iredell fine sandy loam, 1 to 8 % slopes
MeB – Mecklenburg fine sandy loam, 2 to 8 % slopes
MO – Monacan soils

North Carolina Vicinity Map

Proposed Flat Branch Elementary School **Mecklenburg County, NC**	**RALPH WHITEHEAD ASSOCIATES, INC.**	**Soil Survey Map** **FIGURE 2**

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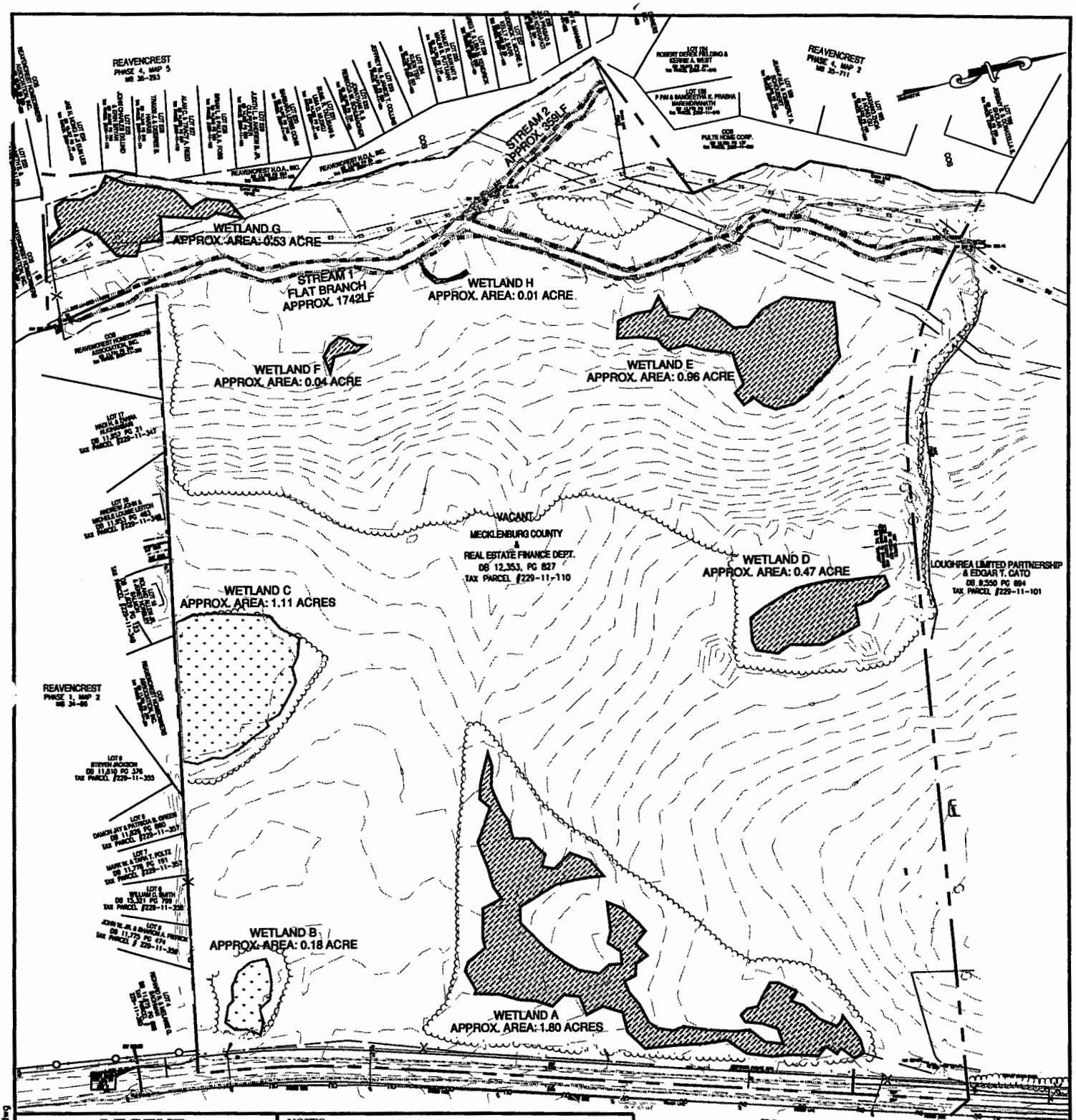

LEGEND

- SITE BOUNDARY
- PERENNIAL STREAM
- ISOLATED WETLAND
- JURISDICTIONAL WETLAND

NOTES:

1. Jurisdictional waters of the U.S., including wetlands, were delineated in the field by Ralph Whitehead Associates, Inc., in March 2004. The boundaries of jurisdictional wetlands/waters were marked in the field. The delineation was verified by the U.S. Army Corps of Engineers (USACE) on April 2, 2004. A written verification of the wetland boundary survey was provided by the USACE on December 22, 2004.

2. Wetlands Survey peformed and provided by R.B. Pharr & Associates, P.A.

WATERS OF THE U.S. AND WETLANDS BOUNDARY MAP

PROPOSED FLAT BRANCH ELEMENTARY SCHOOL

Mecklenburg County, N.C.

GRAPHIC SCALE

250 0 125 250

(IN FEET)

1 inch = 250 ft.

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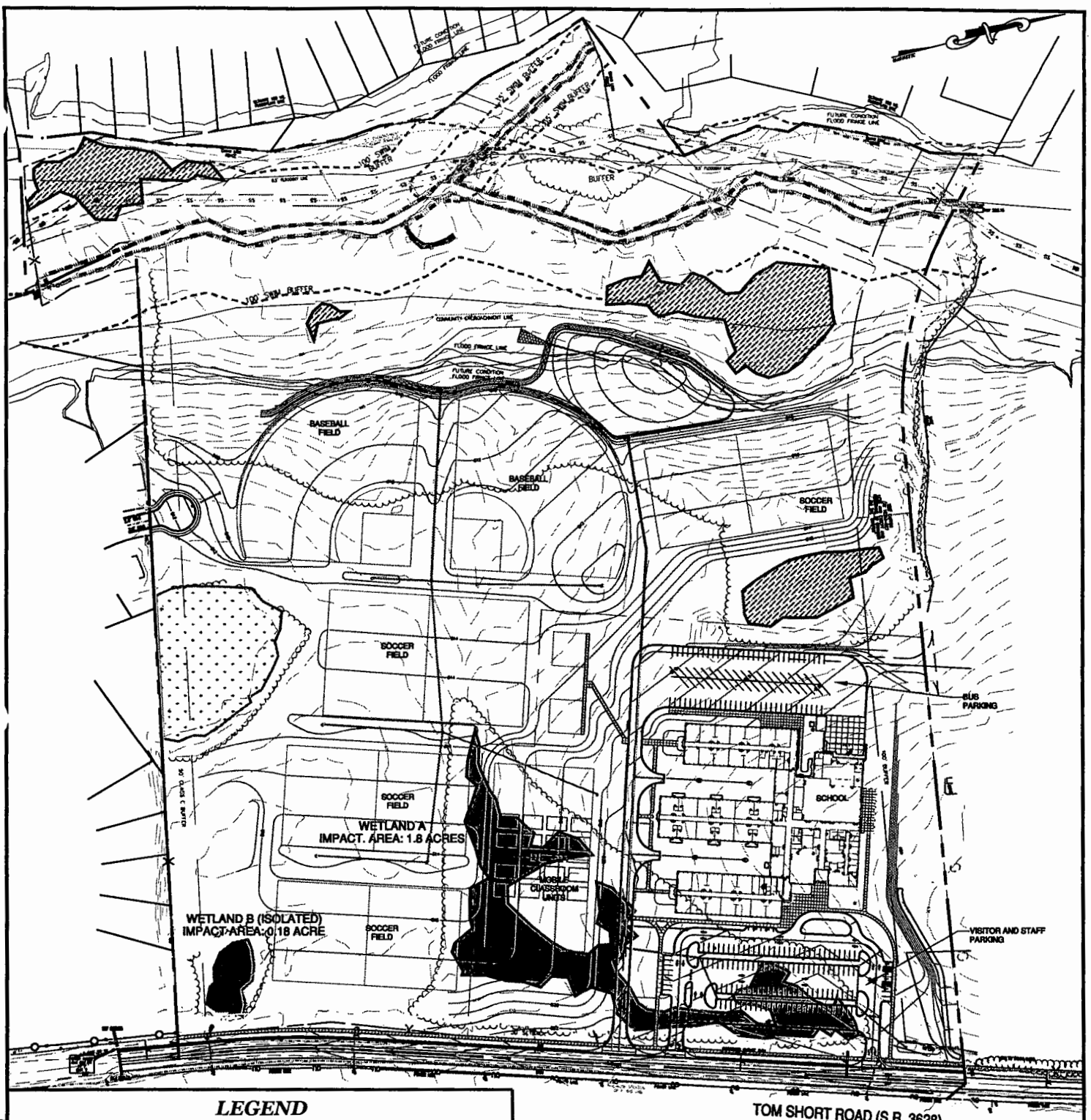

LEGEND

- SITE BOUNDARY
- EXISTING CONTOUR
- PROPOSED MAJOR CONTOUR
- PROPOSED STORM DRAINAGE
- PERENNIAL STREAM
- S.W.I.M. BUFFER
- ISOLATED WETLAND
- JURISDICTIONAL WETLAND
- WETLAND IMPACT

PROPOSED FLAT BRANCH ELEMENTARY SCHOOL
SITE PLAN

Mecklenburg County, N.C.

GRAPHIC SCALE

250 0 125 250

(IN FEET)
1 inch = 250 ft.

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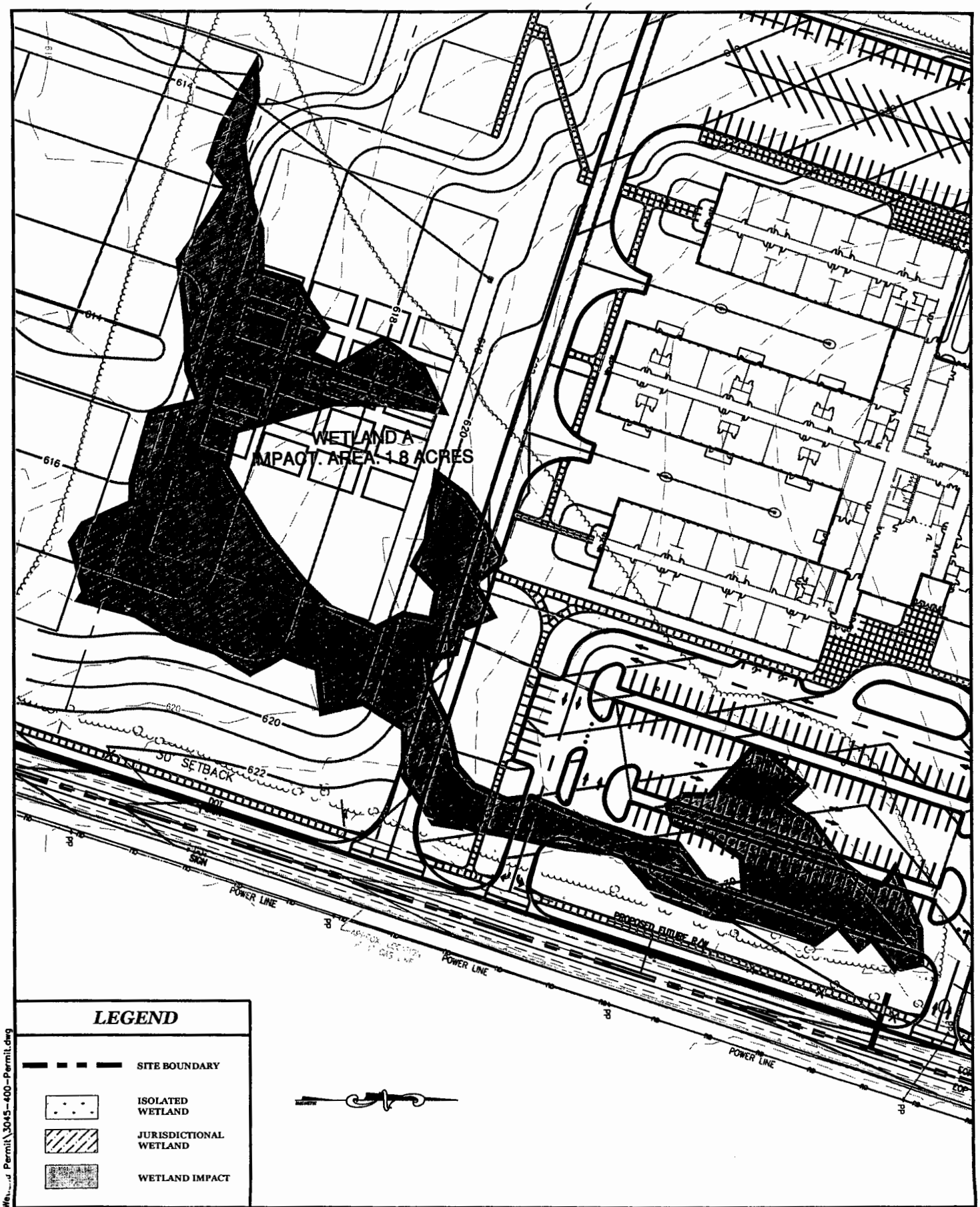

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PROPOSED FLAT BRANCH ELEMENTARY SCHOOL

IMPACT AREA

WETLAND A

GRAPHIC SCALE

100 0 50 100

(IN FEET)

1 inch = 100 ft.

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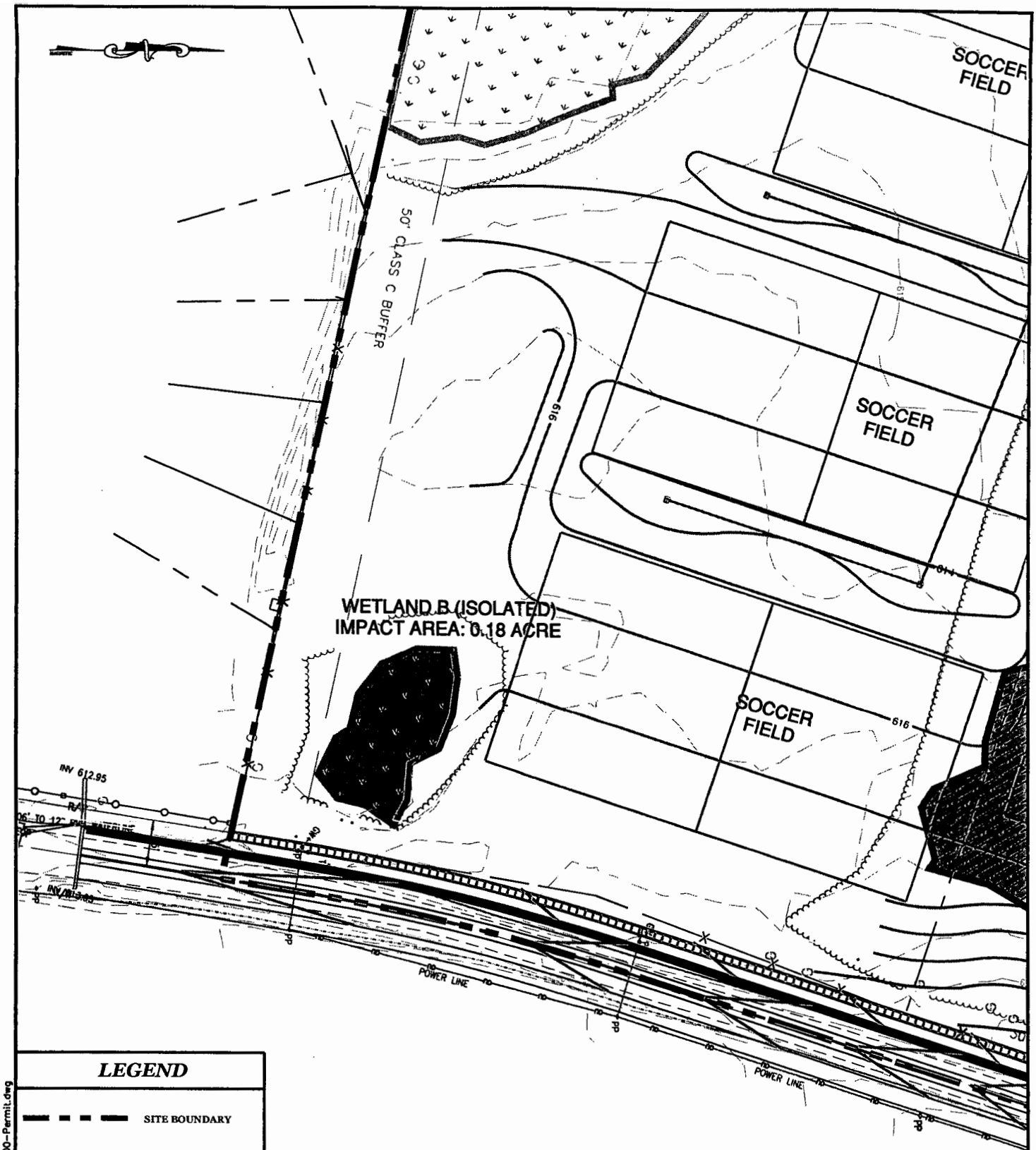

LEGEND

- SITE BOUNDARY
- ISOLATED WETLAND
- JURISDICTIONAL WETLAND
- WETLAND IMPACT

PROPOSED FLAT BRANCH ELEMENTARY SCHOOL

IMPACT AREA

WETLAND B

GRAPHIC SCALE

100 0 50 100

(IN FEET)

1 inch = 100 ft.

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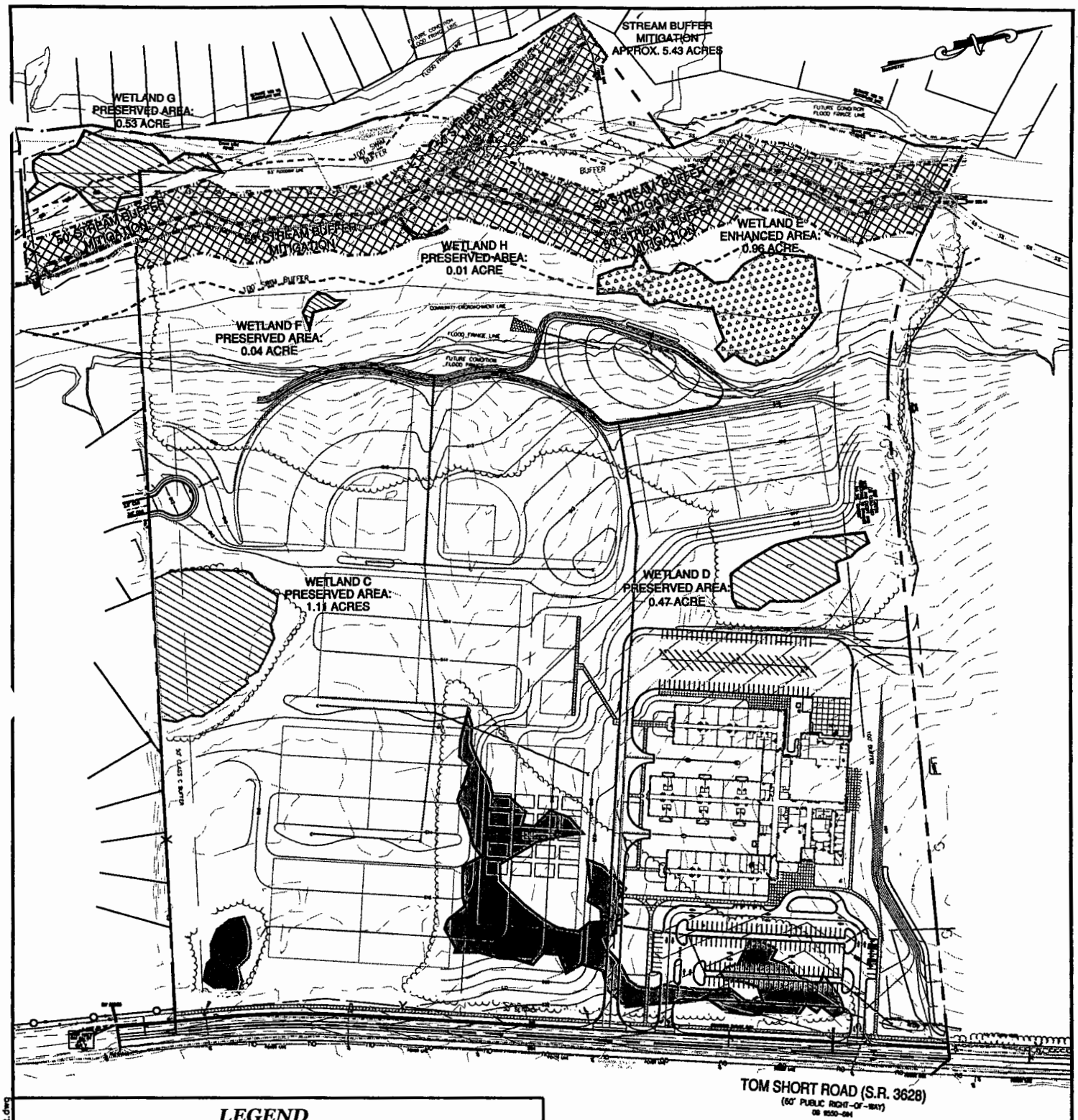

LEGEND

- SITE BOUNDARY
- S.W.I.M. BUFFER
- PROPOSED STREAM BUFFER
- PERENNIAL STREAM
- PROPOSED STREAM BUFFER PRESERVATION (5.43 ACRES)
- PROPOSED WETLAND PRESERVATION (2.15 ACRES)
- PROPOSED WETLAND ENHANCEMENT (0.96 ACRE)
- WETLAND IMPACT (1.98 ACRES)

NOTE:
It is anticipated that the remaining compensatory mitigation needs will be satisfied through payment to the North Carolina Ecosystem Enhancement Program.

PROPOSED FLAT BRANCH ELEMENTARY SCHOOL
PROPOSED COMPENSATORY MITIGATION PLAN

GRAPHIC SCALE
250 0 125 250
(IN FEET)
1 inch = 250 ft.

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FIGURE NO.: 7

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